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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,041	12/30/2003	William K. Szieff	0503-01UA	8265
21704	7590	09/07/2004	EXAMINER	
LAW OFFICES OF ERIC KARICH 2807 ST. MARK DR. MANSFIELD, TX 76063			PAPE, JOSEPH	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/749,041	Applicant(s) SZIEFF, WILLIAM K.	
	Examiner Joseph D. Pape	Art Unit 3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 12, line 12, it is thought that reference numeral "64C" should be changed to –62C–. On page 14, line 17, it is thought that reference numeral "108" should be changed to –109--.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 6-9 are objected to because of the following informalities: In claim 6, line 1, it is thought that "comprises" should be changed to –comprise- for greater clarity. In claim 8, line 2, it is thought that "comprises" should be changed to –comprise-- for greater clarity. In claim 9, line 2, "panels" should be changed to –panel--. In claim 9, line 3, it is thought that "one of the third panel" should be changed to –the third panel— for greater clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, the exact meaning of the phrase "extended in combination" is unclear. Also, in the extended configuration, the panels are not extended from all being adjacent the cabin to all being adjacent the tail gate they are extended away from each other, so as to cover the entire cargo area of the truck bed. On the second to last line, the recitation that the panels are "stacked vertically" is inaccurate in that the panels are more clearly describable as being —stacked and vertically oriented—when in the stored configuration as shown in Figure 10.

Claims 14 and 19 contain indefinite language analogous to that of claim 1 which requires correction.

In claims 2 and 15, the exact meaning of the phrase "retractable in combination" is unclear.

In claims 3 and 16, line 1 recites the cover "further comprising stair stepped surfaces" which makes the claim indefinite in that such feature was set forth in the specification on page 10, lines 10 and 11 as being part of the "means for associating". Claims 3 and 16 should reflect that the stair stepped surfaces are part of the means for associating and not a feature in addition thereto.

In claims 4, 17 and 20, the recitation of a "surface" should also be recited as being part of the means for associating for the reasons given above for claim 3.

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In claim 5, "surface" has no clear antecedent basis.

In claim 6, lines 2-3, in the extended configuration being described, the panels are not extended from all being adjacent the cabin to all being adjacent the tail gate, as inferred, they are extended away from each other so as to cover the entire cargo area of the truck bed. Also, on the last line, the front edges of the remaining panels do not "extend toward the cabin", they extend laterally. It would be better to recite that they face towards the cabin.

In claim 7, lines 1-2, in the extended configuration being described, the panels are not extended from all being adjacent the cabin to all being adjacent the tail gate, as inferred, they are extended away from each other so as to cover the entire cargo area of the truck bed. Also, on the last line, the rear edges of the remaining panels do not "extend toward the tail gate", they extend laterally. It would be better to recite that they face towards the tail gate.

In claim 8, lines 2-3, in the extended configuration being described, the panels are not extended from all being adjacent the cabin to all being adjacent the tail gate, as inferred, they are extended away from each other so as to cover the entire cargo area of the truck bed. This same unclear language is used in claims 9-11.

In claim 10, the recitation of a "pair of side frames" should also be recited as being part of the means for associating for the reasons given above for claim 3.

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In claim 18, line 4, the recitation that the panels are stacked "horizontally" is inaccurate in that, in the configuration being described, they are actually vertically stacked and horizontally oriented.

### ***Allowable Subject Matter***

5. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

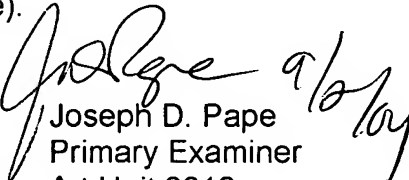
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show the current state of the art related to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612

Jdp

September 2, 2004